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REPORTS, CONCLUSIONS AND RECOMMENDATIONS OF
SUBSIDIARY BODIES: HUMAN RIGHTS QUESTIONS

Report of the Committee on Economic, Social and Cultural Rights on its sixteenth session

Administrative and programme budget implications of the draft decisions recommended for adoption by the Council (see E/1997/L.23 and Add.2)

Statement submitted by the Secretary-General in accordance with rule 31 of the rules of procedure of the Economic and Social Council

A. Requests contained in the draft decisions

1. At its sixteenth session, held at Geneva from 28 April to 16 May 1997, the Committee on Economic, Social and Cultural Rights recommended the adoption of the following three decisions by the Economic and Social Council:

(a) By draft decision I, the Economic and Social Council, concerned that there is currently a backlog of reports awaiting consideration by the Committee on Economic, Social and Cultural Rights, which will take up to three years to clear on the basis of existing arrangements, would approve, on an exceptional basis, the holding of one additional three-week session of the Committee in the course of 1998, as well as a pre-sessional working group of one week's duration;

(b) By draft decision II, the Council, noting that the effectiveness and profile of the Committee on Economic, Social and Cultural Rights could be further enhanced by holding occasional sessions in New York, would approve the holding of the Committee's nineteenth session, in late 1998, in New York;

(c) By draft decision III, the Council, recalling that no action has yet been taken by the General Assembly with regard to its decisions 1993/297 and 1995/302 A and noting that honoraria are already being paid to members of the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, would call upon the General Assembly to take appropriate action to remedy the situation by approving the payment of an honorarium, as from 1997, to the members of the Committee on Economic, Social and Cultural Rights.

2. By its decision IV, adopted at the same session, the Committee on Economic, Social and Cultural Rights, recalling its decision of May 1997 to initiate the drafting of a range of General Comments for consideration and adoption by the Committee over the next two years or so, and having concluded that the most efficient manner of proceeding is to entrust a working group with responsibility for undertaking a careful initial review and revision of drafts to be prepared by individual members, decided to schedule, on an exceptional basis from within existing resources, a one-week ad hoc working group meeting of five members specifically designated for that purpose, immediately before its eighteenth session, in April 1998.

B. Relationship of requests to the programme of work

3. The activities referred to above fall under subprogramme 2 (Supporting human rights bodies and organs) of programme 19 (Human rights) of the medium-term plan for the period 1998-2001 (A/51/6/Rev.1) and section 22 (Human rights) of the proposed programme budget for the biennium 1998-1999 (A/52/6 (Sect. 22)).

C. Activities by which the requests would be implemented and additional requirements at full cost

Draft decision I. Extraordinary additional session of the Committee and pre-sessional working group in 1998

4. The Committee on Economic, Social and Cultural Rights normally holds two three-week sessions per year in April/May and November/December, respectively. A pre-sessional working group meets for one week immediately after the conclusion of each session. Travel and subsistence costs are paid

to the 18 members of the Committee attending the annual sessions and to an average of 5 members participating in the pre-sessional working groups.

5. Provisions have been included under sections 22 (Human rights) and 27 E (Conference services/Geneva) of the 1998-1999 proposed programme budget for two sessions and two pre-sessional working groups annually.

6. The most appropriate time to hold the extraordinary additional session at Geneva would be during the period between the eighteenth (April/May) and nineteenth (November/December) sessions of the Committee, with the additional pre-sessional working group meeting normally taking place immediately following the conclusion of the Committee's eighteenth session. However, for the reasons mentioned in paragraphs 9-11 below, it is proposed that the additional session of the Committee be convened during the period scheduled for the nineteenth session (November/December 1998) and that the nineteenth session be advanced to August 1998. Under this arrangement, the proposed pre-sessional working group meeting for the additional session would be held immediately following the conclusion of the Committee's nineteenth session.

7. Should the Economic and Social Council adopt draft decision I and agree that the additional session should be held during the period scheduled for the nineteenth session, no additional requirements would be entailed by the decision, since provisions for the nineteenth session have already been included in the proposed programme budget for the biennium 1998-1999.

Draft decision II. Holding of the nineteenth session of the Committee in New York in late 1998

8. Should the Council adopt draft decision II, additional provisions would be required for travel and per diem costs of the 18 members of the Committee (US$ 160,000), and per diem costs for an average of 5 members of the Committee participating in the pre-sessional working group meeting (US$ 10,000). In addition, travel and per diem costs amounting to US$ 39,000 would be required for six Geneva-based staff of the United Nations High Commissioner/Centre for Human Rights travelling to New York to service the nineteenth session.

9. As regards the conference-servicing requirements in New York, it should be noted that the proposed three-week session of the Committee on Economic, Social and Cultural Rights in New York from 16 November to 4 December 1998 plus a one-week pre-session meeting of its working group falls during the peak period of the regular session of the General Assembly, when all

conference-servicing resources are committed to meet the requirements of the Assembly and its Main Committees and other related meetings of regional groups. In order that the work of the Assembly is not adversely affected by meetings and servicing requirements of other bodies, all conference facilities are, in practice and as a general rule, strictly limited for the use of the Assembly and its Main Committees during its regular annual sessions. In accordance with paragraph 7 of General Assembly resolution 40/243, even subsidiary bodies of the Assembly itself are not allowed to meet at Headquarters except when specifically authorized by the Assembly to do so.

10. For these reasons, it will not be possible to accommodate the nineteenth session of the Committee on Economic, Social and Cultural Rights in New York from 16 November to 4 December 1998.

11. Based on the projected calendar of conferences for 1998, at this stage it is anticipated that the nineteenth session of the Committee could be accommodated in New York during the month of August 1998. Accordingly, and after consultations with the Chairman of the Committee, it is proposed that the nineteenth session of the Committee on Economic, Social and Cultural Rights be convened during August 1998 in New York. It would immediately be followed by the pre-sessional working group in preparation for the Committee's additional (November/December 1998) session. The pre-sessional working group for the nineteenth session would be held in Geneva in May 1998, immediately following the conclusion of the Committee's eighteenth session.

12. The conference-servicing requirements for the session and the meeting of the working group would amount to US$ 925,000, at full cost. A breakdown of the costs for travel, per diem and conference services is provided in the annex to the present document.

13. It will be recalled that by its decision 1985/17 of 28 May 1985, the Economic and Social Council decided that the Committee should meet with the venue alternating between Geneva and New York. However, the General Assembly, in its resolution 40/252 of 18 December 1985, invited the Council to reconsider its decision to allow the Committee to meet in New York. Consequently, by its decision 1986/102 of 7 February 1986, the Council decided that sessions of the Committee should be held at Geneva. Therefore, should the Council endorse draft decision II, the holding of the nineteenth session of the Committee in New York would imply an exception to Council decision 1986/102.

Draft decision III. Payment of honoraria to the members of the Commi

14. The current rates of honoraria payable to members of organs and subsidiary organs of the United Nations, as approved by the General A in its resolution 35/218 of 17 December 1980, are as follows: US$ 5, per annum for Chairmen (Presidents) and US$ 3,000 per annum for other

15. The proposed payment of honoraria to the 18 members of the Comm Economic, Social and Cultural Rights would amount to US$ 56,000 per a

16. As noted in the report of the Secretary-General concerning the comprehensive study of honoraria payable to members of organs and sub organs of the United Nations (A/C.5/47/45), the basic principle enunc the General Assembly in resolution 2489 (XXIII) of 21 December 1968 a number of subsequent resolutions was that neither a fee nor any other remuneration in addition to subsistence allowance at the standard rat normally be paid to members of organs or subsidiary organs unless expr decided upon by the General Assembly. It will be recalled in this co that the Committee on Economic and Cultural Rights has previously rec on several occasions, the payment of honoraria to its members and tha recommendation was reflected in the report of the Secretary-General (A/C.5/47/45). By its decision 47/460 B of 6 May 1993, the General A deferred to its forty-eighth session the review of the whole question honoraria payable to members of organs and subsidiary organs of the United Nations and no decision has been made since on this issue. In connection, it should be noted that should the Economic and Social Co decide to approve draft decision III, the payment of honoraria to the of the Committee on Economic, Social and Cultural Rights could only b considered for implementation from 1998 onwards, after the General As had considered, at its fifty-second session, the revised estimates res from resolutions and decisions of the Council and decided to extend th payment of honoraria to the members of the Committee on Economic, Soci Cultural Rights. Thus, the adoption of draft decision III would not itself give rise to additional financial implications. Such implicati could only arise from a decision of the General Assembly to accept the recommendation of the Council.

Decision IV. Ad hoc working group

17. The attention of the Council is drawn to decision IV adopted by the Committee at its sixteenth session, regarding the proposed meeting of an ad hoc working group to be convened, within existing resources, at Geneva immediately before the Committee's eighteenth session in April 1998.

18. It will be recalled that, in accordance with rule 24, paragraph 2, of the rules of procedure of the Council, the commissions and committees of the Council shall not create either standing or ad hoc inter-sessional subsidiary bodies without prior approval of the Council. The Economic and Social Council is therefore requested to consider decision IV of the Committee and take action thereon.

19. As regards the Committee's request that the meeting of the ad hoc working group be convened within existing resources, it should be recalled that the General Assembly, in part VI of its resolution 45/248 B:

(a) Reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters;

(b) Reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions;

(c) Expressed its concern at the tendency of its substantive Committees and other intergovernmental bodies to involve themselves in administrative and budgetary matters;

(d) Invited the Secretary-General to provide all intergovernmental bodies with the required information regarding procedures for administrative and budgetary matters.

20. Should the Council endorse decision IV of the Committee, the holding of the ad hoc working group would require an additional US$ 10,000 in respect of per diem payable to the five members participating in the working group. No additional travel costs would be incurred as all five members would be staying in Geneva to attend the eighteenth session of the Committee.

21. The ad hoc working group would be meeting for five working days without interpretation. The conference-servicing requirements, which are estimated on a full cost basis at US$ 27,500, would be limited to post-session documentation in four languages.

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22. Should the Council adopt draft decisions I and II and approve decision IV of the Committee, the dates of the meetings of the Committee and its pre-sessional working group in 1998 would be as follows:

(a) 20-24 April (Geneva): ad hoc working group;

(b) 27 April-15 May (Geneva): eighteenth session of the Committee;

(c) 18-22 May (Geneva): pre-sessional working group for the nineteenth session;

(d) Three weeks in August (New York): nineteenth session of the Committee;

(e) One week in August (New York): pre-sessional working group for the additional (twentieth) session;

(f) 16 November-4 December (Geneva): additional (twentieth) session of the Committee;

(g) 7-11 December (Geneva): pre-sessional working group for the twenty-first session.

C. Modifications to the proposed programme of work

23. The programme of work included under section 22 (Human rights) of the proposed programme budget for the biennium 1998-1999 would have to be modified, as follows:

Subprogramme 2. Supporting human rights bodies and organs

Activities (a). Servicing of intergovernmental and expert bodies

Substantive and technical servicing of meetings:

Committee on Economic, Social and Cultural Rights: Additional 30 plenary meetings of the Committee and 20 meetings of its working group.

D. Potential for absorption

24. With regard to draft decision II and decision IV of the Committee, no provisions have been included under section 22 (Human rights) of the proposed programme budget for the biennium 1998-1999 to cover the substantive requirements of US$ 219,000 relating to (a) the holding of an additional session of the Committee and its pre-sessional working group in 1998 in New York (US$ 209,000) and (b) the holding of the ad hoc working group for one week in April 1998 (US$ 10,000). At this stage, it is not anticipated that these requirements could be absorbed within the provisions proposed by the Secretary-General under section 22 (Human rights) of the proposed programme budget for the biennium 1998-1999.

25. As regards draft decision III, it may be noted that while no provisions have been included in the proposed programme budget for the biennium 1998-1999, no immediate requirements would arise from adoption of the decision as an obligation to make honorarium payments could only be established by subsequent decision of the General Assembly.

26. These additional requirements would be reported to the General Assembly at its fifty-second session and dealt with in accordance with the procedure for the use and operation of the contingency fund established by the General Assembly in its resolutions 41/213 and 42/211, which is described in section E below.

27. The conference-servicing costs related to the holding of the ad hoc working group in 1998 and the nineteenth session of the Committee and the meeting of its pre-sessional working group in New York are estimated at US$ 27,500 and US$ 925,300, at full cost, respectively. These estimates are based on the theoretical assumption that no part of the conference-servicing requirements would be met from within the permanent conference-servicing capacity included under section 27 E (Conference services) of the proposed programme budget for the biennium 1998-1999. The extent to which the Organization's permanent conference-servicing capacity would need to be supplemented by temporary assistance resources can be determined only in the light of the calendar of conferences and meetings for 1998-1999. Provision has, however, been made under section 27 E of the proposed programme budget for the biennium 1998-1999 not only for meetings programmed at the time of budget preparations but also for meetings which might be authorized subsequently, provided that the number and distribution of meetings and conferences are consistent with the pattern of meetings of past years.

E. Contingency fund

28. It will be recalled that under the procedure established by the General Assembly in its resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the proposed programme budget. Under this procedure, if additional expenditures are proposed that exceed the resources available from the contingency fund, the activities concerned can be implemented only through redeployment of resources from low-priority areas or modifications of existing activities. Otherwise, such additional activities will have to be deferred to

a later biennium. A consolidated statement of all programme budget implications and revised estimates will be submitted to the General Assembly at its fifty-second session.

29. No activities could be identified, at this stage, for termination, deferral, curtailment or modification under section 22 (Human rights) of the proposed programme budget for the biennium 1998-1999 in order to accommodate the additional requirements of US$ 219,000 referred to in paragraph 24 above.

F. Summary

30. Should the Economic and Social Council decide to adopt draft decision I and endorse decision IV of the Committee, additional requirements of US$ 219,000 would be required over and above the resources proposed under section 22 (Human rights) of the proposed programme budget for the biennium 1998-1999.

Annex

COSTS ENTAILED BY DRAFT DECISION II: HOLDING OF THE NINETEENTH SESSION OF THE COMMITTEE IN NEW YORK

I. Section 22. Human rights

	1998-1999 (US dollars)
Travel and per diem of all 18 members attending the proposed annual session of the Committee	160 000
Per diem of five members attending the meeting of the pre-sessional working group	10 000
Travel of six staff members of the United Nations High Commissioner/Centre for Human Rights to New York to service the annual session	39 000
Total I	**209 000**

II. Section 27 E. Conference services

	1998-1999 (US dollars)
Pre-sessional Working Group (one week in 1998, New York)	
Meeting services (E,F,R,S) 10 meetings	37 600
Pre-session documentation (E,F,R,S) 600 pages, 18 documents	340 600
Post-session documentation (E,F,R,S) 40 pages, 6 documents	23 400
Other requirements	5 900
	407 500

	1998-1999 (US dollars)
Annual session of the Committee (three weeks in 1998, New York)	
Meeting services (A,E,F,R,S) 30 meetings	147 900
Pre-session documentation (A,E,F,R,S) 50 pages, 5 documents	37 900
In-session documentation (A,E,F,R,S) 90 pages, 10 documents	67 000
Post-session documentation (A,E,F,R,S) 30 pages, 6 documents	23 100
Summary records (E,F,S)	224 300
Other requirements	17 600
	517 800
Total II	**925 300**